

PAULA LE * CIVIL DOCKET NO. 17C 2252A
 VERSUS * 27TH JUDICIAL DISTRICT COURT
 UNUM LIFE INS. CO. OF AMERICA * ST. LANDRY PARISH, LOUISIANA

PETITION

The complaint of **PAULA LE**, resident and domiciliary of the full age of majority of St. Landry Parish, Opelousas, Louisiana, respectfully represents that:

1.

Made defendant herein is:

- 1) **UNUM LIFE INSURANCE COMPANY OF AMERICA**, a foreign insurance company authorized to do and doing business in the State of Louisiana, having appointed as its agent, the Secretary of State for the State of Louisiana;

who is justly and truly indebted unto your petitioner, for the following reasons, to-wit:

2.

Petitioner, **PAULA LE**, was employed by Opelousas General Health System as a Department Level Secretary, and was involved in an automobile accident on March 20, 2013. Prior to the accident, petitioner had undergone a cervical fusion with hardware placement, which hardware broke as a result of her March 20, 2013 accident. The injuries from this accident necessitated an anterior cervical discectomy and fusion which was performed by Dr. George Raymond Williams on March 18, 2004. As a result of her injuries, together with prior injuries and procedures to both her left and right hands and arms, Petitioner, **PAULA LE**, is totally and permanently disabled.

3.

Petitioner's treating physician, Dr. George Raymond Williams, has set forth in his reports to defendant that it is his medical opinion that the Plaintiff remains totally and permanently disabled and unable to return to gainful employment.

4.

At the time of her injury, plaintiff was insured under a disability plan written through her employer, Opelousas General Health System, with defendant, **UNUM LIFE INSURANCE COMPANY OF AMERICA**, (hereinafter referred to as UNUM). Plaintiff alleges that she is entitled to benefits under this disability plan.

5.

Plaintiff applied for benefits under the disability policy, and was awarded long term disability benefits beginning September 12, 2013. Plaintiff has remained totally and permanently disabled to this date.

MM
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St. Landry Parish Clerk of Court's Office
 Filed 5-10 28-17
 Julie Savage
 By Clerk

OPELOUSAS, LOUISIANA 5-11-17
 This is to certify that the above is a true and correct copy of the original on file in the Office of the Clerk of Court, St. Landry Parish.
 Julie Savage
 Deputy Clerk of Court

6.

On or about January 5, 2017, defendant, UNUM, terminated Plaintiff's benefits without just cause.

7.

Plaintiff alleges that defendant, UNUM, has been unreasonable in the manner in which her benefits have been terminated.

8.

Defendant, **UNUM**, is arbitrary and capricious for failing to timely pay benefits to plaintiff under the terms of its policy. Due to defendant's refusal to pay in a timely fashion, plaintiff is entitled to penalties and attorneys' fees.

9.

Opelousas General Health System operates as a political subdivision, and is therefore exempt from the Employee Retirement Income Security Program. (ERISA). See Buller v American United Life Insurance Co., No. 07-1765, U. S. District Court, Western District of Louisiana, Lafayette-Opelousas Division.

WHEREFORE, plaintiff, **PAULA LE**, prays:

1. That the defendant be served with a copy of this petition and duly cited to appear and answer same;
2. After all legal delays and due proceedings had, there be judgment herein in favor of petitioner, **PAULA LE**, and against defendant, **UNUM LIFE INSURANCE COMPANY OF AMERICA**, for benefits due and payable under the terms of the policy, together with legal interest thereon, and all costs of these proceedings;
3. For penalties and attorneys fees against defendant, **UNUM LIFE INSURANCE COMPANY OF AMERICA**; and
4. And for all general and equitable relief that can be afforded her by this Honorable Court, under the laws of the State of Louisiana.

BY ATTORNEYS:

MORROW, MORROW, RYAN, BASSETT & HAIK

BY:


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(337) 948-4483
Attorneys for PLAINTIFF

PLEASE SERVE:

UNUM LIFE INSURANCE COMPANY OF AMERICA, through its agent for service of process, the Secretary of State for the State of Louisiana.

This is to certify that the above is a true and correct copy of the original on file in the office of the Clerk of Court of St. Landry Parish.

Deputy Clerk of Court


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**State of Louisiana
Secretary of State**

05/31/2017

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UNUM LIFE INSURANCE COMPANY OF AMERICA
C/O CORPORATION SERVICE COMPANY
501 LOUISIANA AVENUE
BATON ROUGE, LA 70802-5921

Suit No.: 1772252
27TH JUDICIAL DISTRICT COURT
SAINT LANDRY PARISH

PAULA LE
vs
UNUM LIFE INSURANCE COMPANY OF AMERICA

Dear Sir/Madam:

I am enclosing citation served in regard to the above entitled proceeding. Please call the attorney that filed this document if you have any questions regarding this proceeding. If you received this document in error, please return it to the above address with a letter of explanation.

Yours very truly,

TOM SCHEDLER
Secretary of State

Served on: TOM SCHEDLER
Served by: B JAMES

Date: 05/30/2017
Title: DEPUTY SHERIFF

No: 1040305

KS



CITATION
STATE OF LOUISIANA

PAULA LE

VS

UNUM LIFE INSURANCE
COMPANY OF AMERICA

27th JUDICIAL DISTRICT COURT
SERVED ON
PARISH OF ST. LANDRY TOM SCHEDLER

CIVIL NO. C-172252A

MAY 30 2017

SECRETARY OF STATE
COMMERCIAL DIVISION

TO THE DEFENDANT UNUM LIFE INSURANCE COMPANY OF AMERICA, THROUGH ITS
AGENT FOR SERVICE OF PROCESS: THE SECRETARY OF STATE FOR THE STATE OF
LOUISIANA

You are hereby summoned to comply with the demand
contained in the petition/of which a true and correct copy
(exclusive of exhibits) accompanies this citation, or make
an appearance, either by filing a pleading or otherwise, in
the 27th Judicial District Court in and for the Parish of
St. Landry, State of Louisiana, within fifteen (15) days
after the service hereof, under penalty of default.

Witness the Honorable the Judges of said Court, this 10TH
day of MAY, A. D. 2017.

Issued and delivered MAY 11, 2017

Racie Savage

Deputy Clerk of Court

REQUESTED BY: PATRICK MORROW